

REMARKS

The reissue application 10/725,360 for patent 6,246,893 (referred to hereinafter as the “893 patent”) was filed to correct the inventorship of the issued ‘893 patent. The original inventive entity included Garth W. Gobeli, however the true inventive entity is Garth W. Gobeli and Alan J. Leszinske. The error was not due to any deceptive intent.

The reissue application was rejected pursuant to United States Patent and Trademark Office communication dated April 10, 2007 for failure to conform with 37 C.F.R. 1.172.

We respectfully submit the following facts to prove that the omission of the original inventor’s signature should not trigger a failure to conform with the Rules. The reissue application did not seek to enlarge the scope of the claims, rather it was made only to correct the inventive entity under 35 U.S.C. 251. Pursuant to MPEP 1412.04, in relevant part:

“Where a reissue application does not seek to enlarge the scope of the claims of the original patent, the reissue oath may be made and sworn to, or the declaration made, by the assignee of the entire interest under 37 CFR 1.172....

“Thus, the signatures of the inventors are not needed on the reissue oath or declaration where the assignee of the entire interest signs the reissue oath/declaration. Accordingly, an assignee of the entire interest can [add] the name of an inventor by reissue (*e.g.*, correct inventorship from inventor A to inventors A and B) without the original inventor's consent.”

The entire right, title and interest are held by Mr. Alan J. Leszinske. Mr. Alan J. Leszinske’s signature appears on the oath/declaration submitted in the original reissue application. Although the reissue application does not include proof of the original inventor’s signature, the application seeks only to add the name of an inventor by reissue to correct the inventorship from inventor A (Garth W. Gobeli) to inventors A and B (Garth W. Gobeli and

Alan J. Leszinske). Therefore, the former submission of the oath/declaration signed by the sole owner of interest in the patent (Mr. Alan J. Leszinske), applicant believes to be in conformance with the Rules.

Ownership of '893 patent

The '893 patent was originally filed on behalf of inventor Garth W. Gobeli. Subsequently, Garth W. Gobeli assigned his entire right, title, and interest to TecMed, Incorporated (Recorded with the USPTO on April 27, 2001 - Reel 011749, Frame 0255). The entire right, title, and interest in the '893 patent was later assigned to Mr. Alan J. Leszinske (Recorded with the USPTO on January 7, 2004 - Reel 014852, Frame 0703). Therefore, assignee Mr. Alan J. Leszinske is the owner of the entire right, title, and interest in the '893 patent.

In view of the remarks set forth above, it is believed that this reissue application fully complies with 35 U.S.C. 251 and 37 C.F.R. 1.172 and allowance thereof is respectfully requested.

Respectfully submitted,
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